

**REMARKS**

Claims 1 through 51 are pending; independent claim 25 and its dependent claims 26 and 27 are amended, while independent apparatus claim 51 is newly presented.

**Rejection of Claims 1 through 50 under 35 U.S.C. § 251**

Claims 1 through 50 were rejected under 35 U.S.C. § 251 as based upon “a defective oath under 35 U.S.C. §215.” Applicant respectfully traverses this rejection for the following reasons.

**First**, the provisions of 35 U.S.C. § 251 are interpreted by the Commissioner in 37 C.F.R. § 1.178(a), which provides:

“The application for a reissue should be accompanied by either an offer to surrender the original patent, or the original patent itself, or if the original is lost or inaccessible, by a statement to that effect. The application may be accepted for examination in the absence of the original patent or the statement, but one or the other must be supplied before the application is allowed.”

The Examiner has premised this rejection upon his assertion that “the Assignee has offered to surrender the original patent and states that the original is lost or inaccessible.” The Examiner has however, misinterpreted 35 U.S.C. § 251 and 37 C.F.R. § 1.178, by asserting that:

“The assignee can either offer to surrender the original patent or state that the original patent is lost or inaccessible, *but can not do both at the same time.*”

The Examiner's statement, Paper No. 4, page 2.

Nothing in either 37 C.F.R. §1.178(a) or §1416 of the *Manual of Patent Examining Procedure*, supports the Examiner's conclusion. In fact, Applicant's offer is entirely consistent with §1416 of the MPEP. Consequently, the Examiner's rejection is unsupported by the Commissioner, and must be withdrawn.

**Second**, the Examiner acknowledges that the Assignee has offered to surrender the original patent. This offer is not inconsistent with the Assignee's statement that the original patent is now lost or inaccessible. Nothing in 37 C.F.R. §1.178 either prohibits the Assignee from making the offer or simultaneously restricts the from admitting that the original grant has now become lost or inaccessible, if the Assignee has also offered to surrender the original patent. The Examiner is respectfully requested to reconsider and to expressly identify where 37 C.F.R. §1.178(a) states that the Assignee must choose to “either offer to surrender the original patent or to state that the original patent is lost or inaccessible.” Absent the Examiner's identification of the alternatives in the statute or Code of Federal Regulations, withdrawal of this requirement is required.

**Third**, nothing in 37 C.F.R. §1.178 states that the Assignee “can not do both at the same time.” Consequently, the Examiner's rejection is incorrect and must be withdrawn. Written withdrawal of this rejection is expressly requested.

**Objection to Claims 32-50 under 37 C.F.R. § 1.173(c)**

The Examiner has objected to claims 23 through 50 under 35 U.S.C. §1.173(c), and states that “because the amendment does not include a separate paper setting forth the status of all claims and explanation of the supporting the disclosure of the patent for the changes made to the claims,” claims 23 through 50 do not comply with 37 C.F.R. § 1.173(c). The Examiner's objection is unfounded, and unsupported by 37 C.F.R. § 1.173(c). Applicant respectfully traverse this rejection for the following reasons.

**First**, 37 C.F.R. §1.173(c) is expressly premised upon Applicant's filing of “an amendment to the claims.” In fact, §1.173(c), is expressly contingent upon the filing of such an amendment, and states that:

“Whenever there is an amendment to the claims pursuant to paragraph (b) of this section, there must also be supplied, on pages separate from pages containing the changes, the status (i.e. pending or canceled), as of the date of the amendment, of all patent claims and of all added claims, and an explanation of the support in the disclosure of the patent for the changes made to the claims.” 37 C.F.R. §1.173(c).

This section expressly refers to § 1.173(b) which in turn reads, “an amendment in a reissue application is made either by physically incorporating the changes into the specification or by a separate amendment paper”. Here, no amendments have been filed. The Examiner is therefore,

respectfully requested to (1) identify the amendment referred to this objection, (2) state when that amendment was filed, and (3) provide Applicant's undersigned attorney with a copy of each Amendment. 37 C.F.R. § 1.173(b) and (c) do not pertain to the original reissue application, but pertain to amendments to that reissue application. If the Examiner disagrees with the language of 37 C.F.R. § 1.173, the Examiner is respectfully requested to identify that section of the rules with which the Examiner disagrees.

**Second**, Applicant's original reissue application contained all pending claims 1 through 50 without omission. The application, as opposed to a subsequently filed Amendment, does not contain any indication of status (pending or canceled) where the claims are all pending and newly presented. Accordingly, the Examiner is requested to make a written withdrawal of this objection.

#### **Objection to Declaration**

The Examiner stated that Applicant's Declaration is defective because the "declaration do [*sic*, does] not include explanation as to how these errors render the patent invalid or inoperative." Applicant respectfully traverses this objection for the following reasons.

**First**, in fact, Applicant's originally filed Declaration expressly states that:

"I believe the original aforesaid patent to be wholly or partially inoperative because claims 1, 3, 11, 13, 21 and 22 to be too narrow and *inadvertently failed to*

*secure to the Patentee a sufficiently, broad scope of coverage, because these claims inadvertently restrict coverage to cathode ray tube displays.”*

In fact, the cited language of Applicant does, in fact, “include explanation as to how these errors render the patent invalid or inoperative.” One error that was expressly identified was an inadvertent restriction of the scope of the original claims. In view of this written compliance with 37 CFR §1.175(a), withdrawal of the objection is requested.

**Second**, the Examiner has improperly interpreted 37 C.F.R. § 1.175(a), which sets forth no requirement that Applicant “include explanation as to how these errors render the patent invalid or inoperative” as now asserted by the Examiner. In view of the lack of support for the Examiner's assertion, withdrawal of this requirement is requested.

**Rejection of claim 23 under 35 U.S.C. § 102(e)**

Claim 23 was rejected under 35 U.S.C. §102(e) as anticipated by Kwoh *et al.* U.S. Patent No. 5,382,983 or Lantz *et al.* U.S. Patent No. 5,173,940. Applicant respectfully traverses this rejection for the following reasons, and concurrently explains the patentability of newly presented claim 51.

**Kwoh U.S. 5.382.983**

**First**, the Examiner has characterized Kwoh ‘983 inaccurately. To support the rejection, the Examiner asserts that:

- Kwoh discloses a display device (Fig. 10) attached to a computer to display an image in (Fig. 4).

- Kwoh discloses a circuit for converting electronic signals from the computer to image in (Fig. 4 #18, #11).
- Kwoh discloses a memory for storing ID code data input via a user in (col. 6, lines 4-8).
- Kwoh discloses a microcomputer for controlling display device responsive to a result of a comparison between an ID code input by a user with an ID code data stored in memory, and for receiving signals from the computer to control an operation of the display device in (col. 4, lines 50-67).

Applicant's claim 23 however defines, among other features,

“A display device attached to a computer, displaying an image;

A circuit for converting electronic signals from said computer to said image”.

In essence, the foregoing excerpt from claim 23 defines the electronic signals *from said computer* being converted into an image. In contradistinction, the “electronic signals” that the Examiner refers to in Fig. 4 of Kwoh '983, originate from “tv signal input 18”, rather than “from” a computer. As explained by the direct teachings of Kwoh '983,

“the source of the television signal may be any one of the typical sources, such as, for example, an antenna, a video game player, a cable converter, or a satellite converter box.” Col. 3, lines 30-34.

Fig. 4 illustrates seven (7) signals emanating from command controller 36, but none of those signals are converted into an image displayed on a display device such as TV monitor 48. In short, the Examiner has failed to make a *prima facie* showing of anticipation. Withdrawal of this rejection is therefore required.

**Second**, Kwoh '983 fails to disclose “a microcomputer for controlling [the] display device” as is argued by the Examiner. Applicant's claims 23 and 51, as opposed to the incomplete

characterization given by the Examiner's argument, defines "a microcomputer for controlling said display device ... and for receiving signals from said computer to control an operation of said display device." Command controller 36 of Kwoh '938 cannot both be said to control the display device and to receive its own signals to control operation of that display device. Microprocessor 50 mentioned in col. 5, lines 57-68 cited by the Examiner, is itself a command controller, and an integral component of controller 36; microprocessor 50 meets neither the definition of Applicant's "display device" nor Applicant's definition of the "microcomputer" because microprocessor 50 neither provides electronic signals that could be converted into an image visually displayed by the display device, nor could be said to receive signals to control the operation display device, from the computer, where the computer is defined as providing the "electronic signals" that are converted into the images appearing on the display device, because neither microprocessor 50 nor microcontroller 60 provides signals which are converted into the images. In view of these omissions by Kwoh '983, there is no anticipation. The rejection under 35 U.S.C. §102(e) must be withdrawn. For the same reasons, claim 51 is not anticipated by the prior art.

**Third,** the Examiner's rejection of claim 23 is incomplete under 37 CFR §1.104. Accordingly, the Examiner is respectfully requested to complete his explanation of this rejection in accordance with 37 CFR §1.104(b) and (c), by identifying which computer or microcomputer in Kwoh '983 that the Examiner believes both provides "electronic signals" that are converted into the images on the display device and receives signals "from said computer to control an operation of said display device." Absent this explanation, the Examiner is respectfully requested to withdraw this rejection.

**Lantz et al. U.S. 5,173,940**

**First**, in support of the rejection of claim 23, the Examiner argues that Lantz '940 teaches:

- a display device attached to a computer to display an image in Fig. 1, EISA system peripheral 48.
- Lantz '940 discloses in Fig. 3, a circuit for converting electronic signals from computer to images.
- Lantz discloses in col. 6, lines 20-25, a memory for storing ID code data input via a user.
- Lantz, in Fig. 1, discloses a microcomputer for controlling a display device responsive to a result of a comparison between an ID code input by a user with ID code data stored in memory, and for receiving signals from a computer to control an operation of the display device.

“Lantz '940 discloses a computer system with a process for blanking the display of a monitor in response to a hotkey sequence, and for restoring the display upon entry of a password. By way of example, if “a particular sequence of key codes, in a preferred embodiment, the CTRL, the ALT, and the L make codes, is present, this is an indication to the keyboard interface that password protected or active mode should be activated.” Col. 3, lines 9-13.”

The Examiner's itemization of claim 23 is incomplete however, because Lantz '940 teaches that his screen blanking process is practiced with,

“The foundation of a Computer system according to the present invention is a microprocessor 30 ... .” Col. 3, lines 48-50.

Utterly absent from Lantz '940 is the definition provided by Applicant's claim 23 with Applicant's combination of a display device attached to a computer ... with a circuit for converting electronic signals from said computer to said image” and “a microcomputer ... for receiving signals from said computer to control an operation of said display device”, because monitor 64 of Lantz '940 is taught



as a single entity, receiving electronic signals from computer system 30 via video controller 62 and EISA slot 56 while the Intel 486 microprocessor 30 receives no signals from computer system 30 to control an operation of display device 64. In essence, the Intel 486 microprocessor 30 of Lantz '940 may not be said to both control the display device and to receive signals from computer system 30 to control operation of the display device when monitor 64 is disclosed as attached to computer system 30. Consequently, absent a showing of all elements of Applicant's claim 23, the Examiner has failed to make a *prima facie* showing of anticipation. Withdrawal of this rejection, and allowance of claims 23 and 51 is indicated.

**Second**, the Examiner has failed to provide the completeness in Paper No. 4 that is required by 37 CFR §1.104(b) and (c). The Examiner is therefore respectfully requested to explain how computer system 30 constructed with Intel microprocessor 30 as its foundation, might be read as teaching Applicant's microcomputer for controlling the display by the display device while simultaneously receiving signals from computer system 30 to control operation of the display device? Absent this explanation, withdrawal of this rejection is respectfully requested.

**Rejection of claim 24 under 35 U.S.C. § 103(a)**

Claim 24 was rejected under 35 U.S.C. § 103(a) for unpatentability over Kwoh '983 or Lantz '940 in view of Rew U.S. Patent No. 5,033,085. Applicant respectfully traverses this rejection for the following reasons.

**The Examiner's Proposed Combination Of Kwoh '983 And Rew '085**

**First**, the Examiner admits that Kwoh '983 fails to "disclose an apparatus comprising a

plurality of switches interposed on a respective electrical conduction path between respective output terminals of the computer in respective input terminals of the circuit” as defined by Applicant’s claim 24. The Examiner asserts however, that:

“Rew [‘058] discloses plural of analog switches controlled by microcomputer in (Fig. 1 #4) to turn off [the] signal from receiving element #61 to video amplifier #65 when [an] inputted password does not match [a] stored password.” Para. 6, pg.4, Examiner’s comments.

The Examiner concludes that it would have been obvious to combine Kwoh ‘983 and Rew ‘085. What the Examiner ignores however, is that the express language of claim 24 requires that the Applicant’s switches are

“turned off via a control signal output from a terminal of said microcomputer when the result of said comparison indicates that said ID code input by said user is inconsistent with said stored ID code data”;

while the Examiner’s proposed combination relies upon the high potential video erasing signals output on the P-W of Rew ‘085 in the Examiner’s proposed combination, to provide the ON-screen character display described in column 3, beginning with line 64 of Rew ‘085 to provide the visual images illustrated in Fig. 5. In the Examiner’s proposed combination, switches S1-S3 are toggled between contacts a1-a3 and contacts b1-b3, rather than being “turned off by a control signal from a terminal of said microcomputer”. As explained in Applicant’s specification, beginning with column 4, in Applicant’s practice, this causes the R, G, and B components output from video amplifier 80 to have a voltage level of substantially zero, and the output gain of a signal with these R, G and B components from computer 10 becomes zero; however, Applicant’s on-screen display circuit 40 which is driven by microcomputer 20 as defined in claim 23, rather than by computer 10,

remains enabled. This advantageously enables Applicant to display a warning or other message driven by microcomputer 20 independently of the TV signal input 18 of the primary reference or, alternatively, the broadcast signal provided by receiving element 61 of the secondary reference. In short, the Examiner failed to make a prima facie showing of obviousness. In view of these and other deficiencies in the Examiner's proposed combination, and Applicant's advantageous ability to continue to independently drive the on screen display independent of any video image generated by computer 10, claim 24 is deemed to be patentably distinguishable and allowable over the prior art.

**Second**, the Examiner provides neither explanation for making the proposed modification nor credible motivation for the proposed combination. The Examiner's suggestion that "one would have been motivated to make such a combination because the switches would allow complete termination of the signal that is not meant to be displayed, if a user does not have a valid password" is specious; neither Kwoh '983 nor Rew '085 suggest a need for either this result or the modification. Moreover, Kwoh '983 is complete in its teaching of an access control system, and the Examiner has completely ignored the fact that both the primary and secondary references already "allow complete termination of" their incoming broadcast signals when their password scenarios are unmet by the user. Consequently, there is no motivation for the Examiner's proposed combination, and this rejection must be withdrawn.

**The Examiner's Proposed Combination Of Lantz '940 And Rew '085**

**First**, the Examiner has failed to comply with the requirement for completeness imposed by 37 CFR §1.104(b) and (c) by explaining precisely how a complicated reference such as Lantz '940 might possibly be modified to include the access control system of Rew '085. Lantz '940 teaches

that his access control system results in a blanking of the display on the monitor “until a password sequence is entered.” In essence, the primary reference already provides the result of the Examiner’s proposed combination by allowing “complete termination of the signal that is not meant to be displayed, if a user does not have a valid password.” Examiner’s Comments, pg. 4, Paper No. 4. The Examiner fails to explain how any element of Rew ‘085 might be incorporated into Lantz ‘940, or which stage of the block diagram of Lantz ‘940 illustrated in Fig. 1 might be modified. The Examiner is respectfully requested to explain in accordance with Rule 1.104(b) and (c), precisely what modifications of the computer system 30 illustrated by Fig. 1 of Lantz ‘940 is to be modified in the Examiner’s proposed combination, and which components of Rew ‘085 would be incorporated into Lantz ‘940. Absent this, withdrawal of this rejection is required.

**Second**, there is no basis for making the Examiner’s proposed combination except through an impermissible hindsight reconstruction of the art in light of the teachings provided by Applicant’s claim 24. The Applicant’s teachings might not be used as a roadmap for reconstructing the prior art in order to deny allowance of claim 24. Withdrawal of this rejection is therefore requested.

**Third**, incorporation of switching element 63 of Rew ‘085 into computer system 30 of Lantz ‘940 is physically impossible because monitor 64 of the primary reference is driven by a video controller 62 while the Braun tube 67 of Rew ‘085 is driven with a color video signal that requires R, G and B components. In short, the Examiner has failed to make a *prima facie* showing of obviousness. The rejection is impermissible and may not be maintained. Its withdrawal is requested.

**Rejection of claims 25-50 under 35 U.S.C. § 103(a)**

Claims 25-50 were rejected under 35 U.S.C. § 103(a) for unpatentability over Warren U.S. Patent No. 5,805,074 in view of Lantz '940. Applicant respectfully traverses this rejection for the following reasons.

**First**, Warren '074, the primary reference, provides an interlocking system for a storage assembly with a plurality of independent locks and a plurality of associated storage units. Applicant's claims 25 and 35 contemplate control of the driver that drives the display device to either set "the gain of the driver to be substantially zero" or set the connection "state of the switches to be in a disconnected state", as defined by claim 25, or set "the display driver to be in a disconnected state" under particular conditions. In contradistinction, neither driver for display module 400 nor driver for the unnumbered monitor of computer 171 are taught as being "disconnected" or as having a gain of substantially zero upon a user's failure to correctly enter a password.

Applicant's apparatus claim 45 defines a circuit "for disabling said driver" while Applicant's method claim 48 includes a step of "disabling said display unit"; neither circuit nor step are provided by the Examiner's proposed combination. In short, the Examiner has failed to provide a *prima facie* showing of obviousness of Applicant's claims 25, 35, 45 and 48. It is Applicant's disabling of the driver that advantageously enables Applicant to use an access code to block specific viewing, while allowing the microcomputer to independently control the images formed upon Applicant's display device. These features are absent from the Examiner's proposed combination. Accordingly, this rejection is incomplete, fails to make a *prima facie* showing of obviousness and must be withdrawn.

**Second**, the Examiner asserts that the motivation for the proposed modification of the

primary reference with Lantz '940 is to "increase the system's capability, inherent in using a microcomputer." The Examiner's assertion of such motivation is fallacious. Specifically, Lantz neither teaches, suggests nor has a need to disable or disconnect a driver for either display module 400 or the unnumbered monitor of computer 171. In fact, disabling of the display would render Lantz inoperable while failing to meet the features defined by Applicant's rejected claims. The Examiner should note that Applicant's disabling of the display driver does not interfere with Applicant's use of the microcomputer to drive the video amplifier 80 and on screen display circuit 40 although the Examiner's proposed combination would, in effect, prevent any display from module 400 and computer monitor 171 in the primary reference. Absent motivation, the rejection is untenable and must be withdrawn.

**Third**, the Examiner's proposed modification of Warren '074 would impermissibly prevent the primary reference from being operated in its intended mode of operation. The display module 400 and computer monitor 171 are intended to continuously communicate with the user; there is neither teaching nor suggestion of terminating the visual display provided by either item. Disabling of the drivers that enable the visual display, would be contrary to the express teachings of Warren '074, and is thus an impermissible basis for this rejection. Its withdrawal is required.

**Rejection of claims 1-22 under 35 U.S.C. § 103(a)**

Claims 1-22 were rejected under 35 U.S.C. § 103(a) as alternatively rendered obvious by either Gunji U.S. Patent No. 5,222,231, or as rendered obvious by Warren '074. Applicant respectfully traverses this rejection for the following reasons:

**Claim 1**

Gunji '231 describes a data processing system in which the resume processing function is inhibited after application of electrical power to the data processing system, until “the correct identification data is input” (column 2, lines 34-36). This prevents the destruction by a third party, of the contents of the data processing system “immediately before the power switch was turned off.” Warren '074, as previously discussed, teaches multiple independent locks and multiple associated storage units, operated in conjunction with the display module 400 and a monitor of a computer 171.

Applicant's claim 1 defines apparatus for setting an ID code with a video amplifier providing amplified image information, a microcomputer controlling a display on the basis of a comparison of the ID code and a stored code, while receiving horizontal and vertical frequency signals from a computer system to control the operation of the display, and an on-screen circuit converting digital information synchronized with a train of clock pulses input from the computer into analog video signals having red, green and blue components. A mixer combines the analog video signal and the amplified image information from the video amplifier. This combination is neither taught nor suggested by Gunji '231 nor by Warren '074. It is difficult to understand the Examiner's rationale in citing either reference to support the rejection of claim 1. Not only do these references fail to make a *prima facie* showing of obviousness, neither of these references contains Applicant's combination of the video amplifier, microcomputer, on-screen circuit and mixer. Withdrawal of the rejection of claims 1 and 2 is therefore required.

**Claim 3**

Applicant's claim 3 defines a combination of a video amplifier providing amplified image signals, a microcomputer coupled to the video amplifier to control its gain and to control the connection state of analog switches “that couple between the computer system and the video amplifier.” Claim 3 includes “an on-screen circuit to convert digital information signals from the microcomputer into analog on-screen image signals” with the microcomputer coupled to receive horizontal and vertical synchronizing signals from the digital system, and the mixer providing drive signals by mixing the amplified image signals and the analog on-screen image signals. Teaching or suggestion of this combination is absent from Gunji '231 and Warren '074. Again, it is difficult to understand why the Examiner has applied either reference to support an obviousness rejection of claim 3, because neither reference contemplates either claim 3's control of gain of the video amplifier, control of the connection state of analog switches between the computer and the video amplifier, or mixing of Applicant's amplified image signals and an analog on-screen image signals. There is no *prima facie* showing of obviousness in either rejection; moreover, the rejection is incomplete and specious. Its withdrawal is required.

**Claim 13**

Applicant's claim 13 defines the process of providing amplified image signals in response to signals received from a computer system, converting digital information signals into analog on-screen image signals while receiving horizontal and vertical synchronizing signals from the computer system, and either setting the gain of the video amplifier to substantially zero or disconnecting the



connection state of the switches between the computer system and the video amplifier, on the basis of the input ID code. Claim 13 also defines the mixing of the amplified image signals and analog on-screen image signals. Again, neither Gunji '231 with its disclosure of the provision of the resumption of data processing upon application of power, nor Warren '074 with this multiple independent locks and associated multiplicity of storage unit, teaches Applicant's independent control of the gain and state of connection between the source of the image signals and the display, in combination with the mixing of the image signals and the on-screen image signals. Note should be given to the fact that the Examiner has proposed no modification of either reference to support this rejection. Accordingly, there is a complete absence of *prima facie* showing of obviousness. Withdrawal of this rejection is therefore required.

**Amendment of Claims 25-27**

Claims 25 through 27 are amended to clarify the relation between the “first computer circuit” and the “microcomputer circuit” to provide correct antecedent basis with the articles “said” and “a”, and to assure consistent tense of verbs throughout. In accordance with 37 C.F.R. § 1.173, all amendments made to these claims, and newly presented claim 51, conform to the language of the unamended claims. Newly presented independent claim 51 is based upon the text of the patent, column 2, lines 1 through 38, and column 3, lines 1 through 67; and column 4, lines 1 through 28, which teach that as the output gain of a signal having R, G and B components from computer 10 becomes zero ... while OSD circuit 40 is still enabled.” Column 4, lines 13 through 16.

**Letter To The Office Draftsman**

Figures 3, 5(A) and 5(B) are being amended; reference symbol *n* has been amended to '*N*' in block S5 in Figure 3, reference symbol *n* has been amended to '*N*' in block K1, and END has been amended to read "Go To J2" in Figure 5(A), and END has been amended to read "Return to J" in Figure 5(B). Entry of the corrected formal Figures 3, 5(A) and 5(B) is respectfully requested.

In view of the above, this application is deemed to be in condition for allowance. Should any questions remain unresolved, the Examiner is requested to telephone Applicant's attorney.

A fee of \$1,032.00 is incurred by the accompanying Petition for a three month extension of time and for extra claims. Applicant's check in that amount drawn to the order of Commissioner accompanies this Amendment. Should the check become lost, be deficient in payment, or should other fees be incurred, the Commissioner is authorized to charge Deposit Account No. 02-4943 of Applicant's undersigned attorney in the amount of such fees. Should the Petition be lost, the Commissioner is respectfully requested to treat this paragraph as the Petition for a three month extension of time to extend the period for response to and through 26 September 2003.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "R. E. Bushnell", is written over a horizontal line.

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Folio: P56219RE  
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I.D.: REB/kf/wc

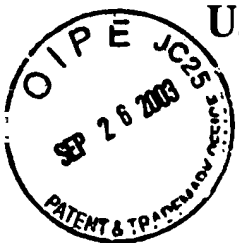
# Annotated Sheet Showing Changes

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## FIG. 3 (Amended)

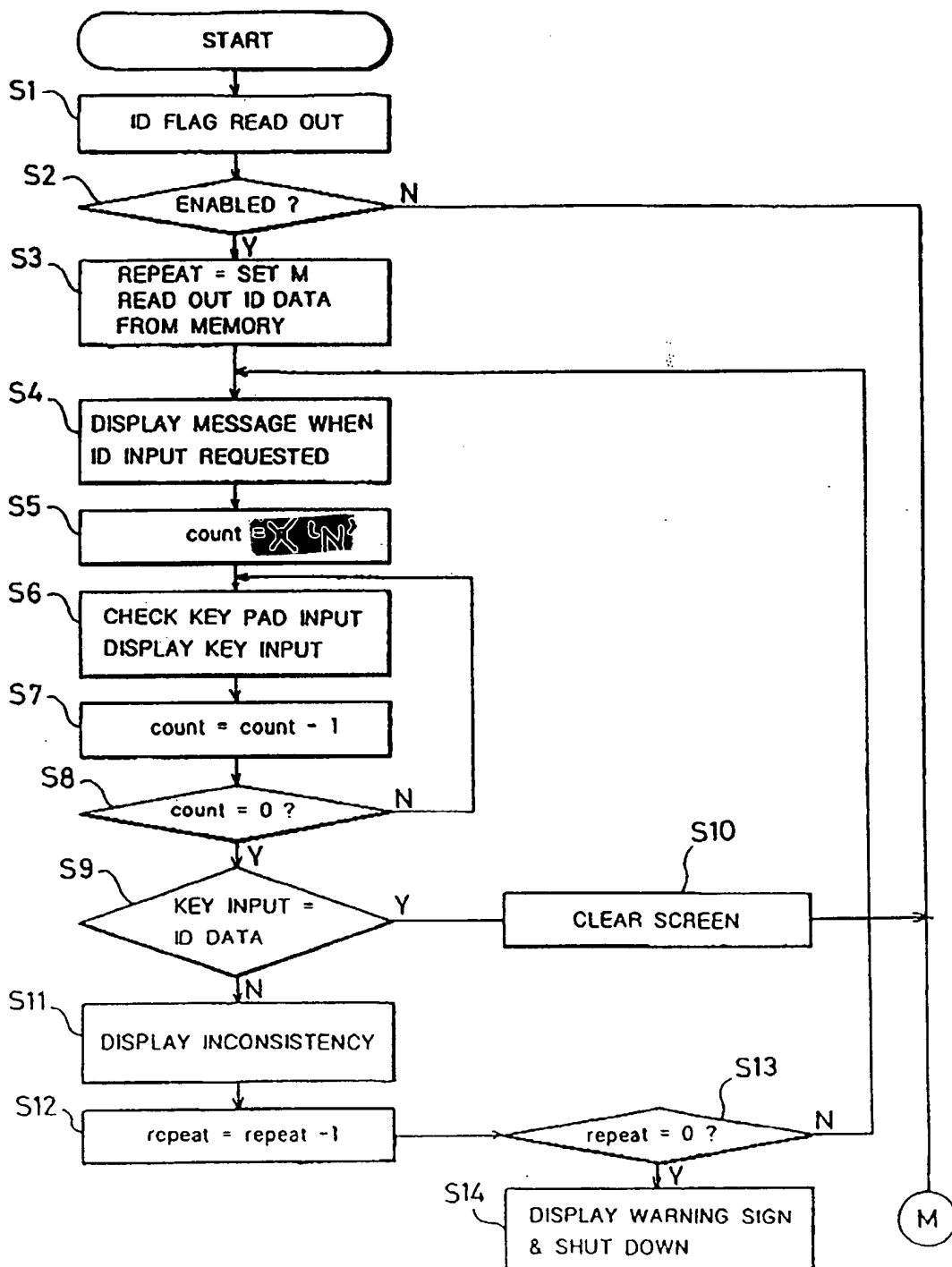


FIG. 5 (A) (Amended)

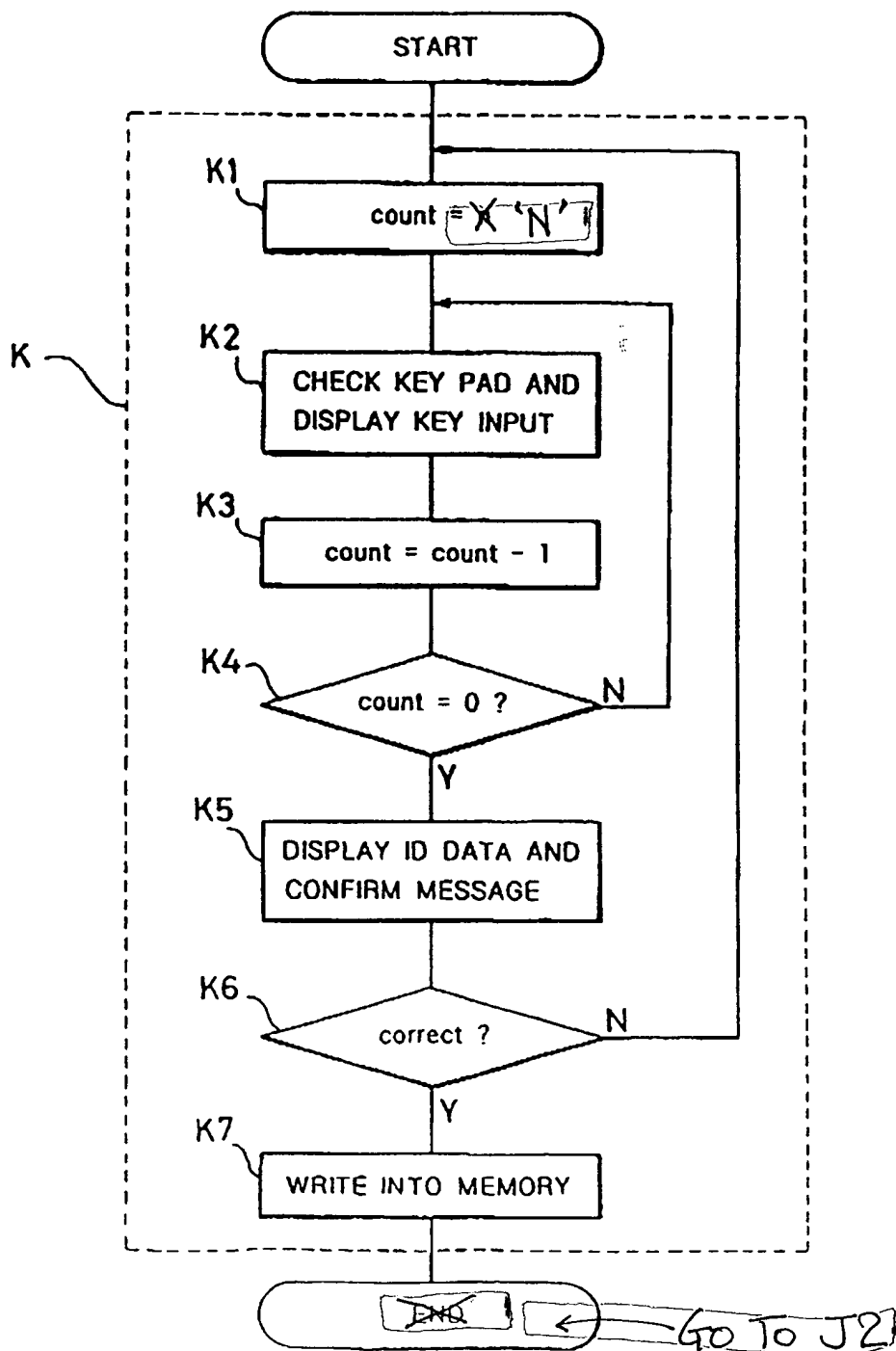
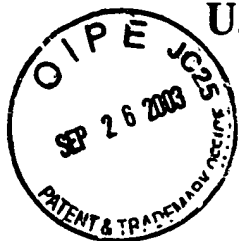




FIG. 5 (B) (Amended)

